

SECTION XI -COUNTRYSIDE PUBLIC HEALTH SERVICE NUISANCE ORDINANCE

AN ORDINANCE DEFINING NUISANCES, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING FOR ABATEMENT AND PENALTIES FOR VIOLATION THEREOF.

Section 100.00 Definitions. The following words, when used in this ordinance, shall have the meanings ascribed to them:

1. Garbage - includes all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers wasted along with such materials.
2. Refuse - includes the following: all solid waste products or those wastes having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, industrial solid wastes, or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain or vegetables, offal, animal excreta, or the carcass of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk, or other such substances which may become a nuisance.
3. Abandoned Property: in the form of deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, and left unprotected from the elements; the term includes, but is not limited to, deteriorated, wrecked, inoperable, or partially dismantled motor vehicles, trailers, plumbing fixtures, and furniture.
4. Hazardous Waste: defined as any refuse, sludge or waste material or combinations of refuse, sludge, or other waste materials in solid, semi-solid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics that may (a) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
5. Litter: means any garbage, refuse, abandoned property, and hazardous waste and additionally includes the meaning given by Minnesota Statutes, Section 609.68.

100.10 Public Nuisances Affecting Health

It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

1. Animals, fish, or fowl, wild or domestic, whether confined or running at large having a contagious disease or condition which endangers public health, safety, or welfare.
2. Carcasses of animals, fish, or fowl, wild or domestic, not buried at least five (5) feet above the seasonal high water table as well as three (3) feet under the surface of the ground or properly destroyed within seventy-two (72) hours after death.
3. Garbage not stored in rodent-free or fly-tight containers, or garbage stored so as to emit foul and disagreeable odors, or garbage stored so as to constitute a hazard to public health.
4. Accumulations of refuse, garbage, litter, abandoned property or hazardous waste as defined herein.
5. The unpermitted dumping of any effluent, garbage, refuse, waste water, or other noxious substance upon public or private property.
6. Any open pit, well, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.
7. The pollution of any public or private well or cistern, any public stream, lake, groundwater, or other body of water by effluent, garbage, rubbish or other noxious substance.
8. Any obnoxious weeds, or any other vegetation which endangers public health, safety, or welfare, or which is contraband within the meaning of State or Federal laws.
9. The emitting or production of dense smoke, foul odor, noise, noxious gases, soot, cinders, fumes, or sparks in quantities which unreasonably annoys, injures, or endangers the safety, health, or welfare of any number of members of the public.
10. The public exposure of persons having a contagious disease or condition which endangers public health, safety, or welfare.
11. Accumulation of junk, disused furniture, appliances, machinery, automobiles or parts thereof, or any matter which may become a harborage for rats, poisonous snakes, or vermin or which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety, or welfare of the public.
12. The cause, permitting or maintenance of an abandoned cess-pool, septic tank, or cistern without its being properly filled.
13. Failure to comply with any law or rule regarding sanitation and health including but not limited to: plumbing, water supplies, including wells and surface waters, public facilities, including food, beverage and lodging establishments and day care facilities, waste disposal, swimming pools.

100.20 Enforcement

It shall be the duty of Countryside Community Health Board, by and through its Environmental Health Department to enforce the provisions of this ordinance. The Director of Environmental Health, Sanitarian, or other designated staff member is hereby the delegated authority to enforce the provisions of this ordinance, including such power to inspect private premises as exists by law, issue orders for abatement, issue citations for violations, and abate nuisances. The officers charged with the enforcement of this ordinance shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

100.30 Abatement of Nuisance and Assessment of Cost

When any nuisance is found to exist, within Big Stone, Chippewa, Lac Qui Parle, Swift or Yellow Medicine counties, the Health Authority shall order the owner or occupant thereof to remove the same, at the expense of the owner or occupant, within a period not to exceed thirty (30) days, the exact time to be specified in the notice. Upon failure of the owner or occupant to abate the nuisance, Countryside Community Health Board or its designee may cause the said nuisance to be abated and if it elects to do so, shall certify the cost thereof to the County Auditor to be extended on the tax roll of the County, against the real estate from which the nuisance has been abated, all in accordance with Minnesota Statutes Section 145A.04 subd. 08 and 145A.08. No person shall obstruct any official of Countryside Community Health Board in enforcing this ordinance.

In the event the Health Authority deems a nuisance situation to constitute an immediate public health hazard, the Health Authority may immediately abate or condemn the nuisance. The owner or occupant shall then make safe or secure the property or nuisance in accordance with the above provisions.

100.40 Penalty

Subd. 1. Any person violating any of the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and subject to a fine of not more than \$700 and by imprisonment for a period of not exceeding 90 days or both, together with the costs of prosecution.

Subd. 2. Each day that a prohibited act shall continue or such nuisance shall be maintained, shall constitute a separate offense.

100.50 Injunctive Relief

In the event of a violation or threat of violation of this ordinance, Countryside Community Health Board, by action of the County Attorney may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the County Attorney may institute a civil action. All costs of such action, inclusive of reasonable attorney

fees, shall be charged against the property owner or against the real estate from which the nuisance has been abated, all in accordance with Minnesota Statutes Section 145A.04, subd. 08 and 145A.08. No person shall obstruct any official of Countryside Community Health Board in enforcing this ordinance.

100.60 Separability

Every section, provision, or part of this ordinance is declared separable from every other section, provision, or part, and if any section, provision or part thereof shall be held invalid, it shall not affect any other section, provision or part.

100.70 Effective Date

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted by Countryside Community Health Board on December 11, 1996.